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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/755,515 | 01/05/2001 | Shihong Yu | 0739D-000086 | 7460 |
| 7590 | 11/12/2003 | | EXAMINER | |
| Harness, Dickey & Pierce, P.L.C. P.O. Box 828 Bloomfield Hills, MI 48303 | | | VU, STEPHEN A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3636 | |

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/755,515 | YU, SHIHONG | |
| | Examiner | Art Unit | |
| | Stephen A Vu | 3636 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 August 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 16-35 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 16-27 and 29-35 is/are rejected.
- 7) Claim(s) 28 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

| | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-25 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ryan.

Ryan shows a seat assembly comprising a seat (14), a seat back (16) connected to the seat (14), and a fold-flat hinge assembly (10) including: a support member (18), an arm (98) pivotally supported by the support member, mounting the seat back, and including a plurality of gear teeth (96) formed thereon. A shaft (106) is rotatably supported within a first slot of the support member and a blocking pin is slidably supported by the support member and in mechanical communication with the shaft. The blocking pin is slidable to a first position wherein the blocking pin prevents forward rotational motion of the arm relative to the support member; and a gear (90) fixedly attached to the shaft and interacting with the gear teeth of the arm to move the blocking pin to a second position wherein the arm is free to rotate relative to the support member and whereby the seat back is rotatable relative to the seat.

With claims 17 and 22, at least one lever arm is pivotally attached to the support member at a pivot point and wherein the lever arm rotatably supports the shaft at a first

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end and a link arm at a second end, with the link arm further connecting to the sliding pin.

With claims 18 and 23, a slot is formed in the arm and a stop pin is attached to the support member. The slot slidably interfaces the stop pin for defining a rotational range of motion of the arm relative to the support member.

With claim 20, the arm is able to rotate relative to the support member when the shaft is in the second position.

With claims 19 and 24, the shaft is also slidably supported in the first slot by the support member for sliding from a first position to a second position in response to the gear interacting with the gear teeth for moving the blocking pin to the second position.

With claim 25, the arm can rotate relative to the support member when said shaft is in said second position.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 26-27 and 29-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan in view of Weston et al.

Ryan discloses the claimed invention except for the seat hinge to have an electric motor for rotating the shaft. Weston et al teaches the use of an electric motor (C) for rotating the back relative to the seat. It would have been obvious to one of ordinary skilled in the art at the time the invention was made to employ an electric motor as taught by Weston et al to the seat hinge of Ryan's invention to rotate the shaft, without the need for manual adjustment by the user.

With claim 31, at least one lever arm is pivotally attached to the support member at a pivot point and wherein the lever arm rotatably supports the shaft at a first end and a link arm at a second end, with the link arm further connecting to the sliding pin.

With claim 32, a slot is formed in the arm and a stop pin is attached to the support member. The slot slidably interfaces the stop pin for defining a rotational range of motion of the arm relative to the support member.

With claim 33, the shaft is also slidably supported in the first slot by the support member for sliding from a first position to a second position in response to the gear interacting with the gear teeth for moving the blocking pin to the second position.

With claim 34, the arm can rotate relative to the support member when said shaft is in said second position.

Allowable Subject Matter

Claim 28 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed August 26, 2003 have been fully considered but they are not persuasive.

Remarks

The examiner has reviewed and considered the comments in the Response, filed on April 8, 2003. It's the examiner's position that claims 16-25 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ryan and claims 26-27 and 29-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan in view of Weston et al. The Applicant has argued that the prior art of "Ryan fails to disclose a blocking pin slidably supported by a lower support member", "a shaft in mechanical communication with a blocking pin", and an electric motor. The examiner disagrees with these arguments. First of all, the blocking pin is construed to be the structural element in the direct line of sight with member 134. Second of all, the shaft 106 is in mechanical communication

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with the blocking pin, as a whole with the invention. Lastly, Ryan does not show the use of the electric motor to power his seat hinge mechanism. Therefore, the secondary reference of Weston et al has been applied to teach the application of an electric motor with a seat hinge mechanism. It would have been obvious to incorporate the electric motor as taught by Weston et al to power Ryan's seat hinge mechanism.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A Vu whose telephone number is 703-308-1378. The examiner can normally be reached on M-F, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M Cuomo can be reached on 703-308-0827. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-305-7687
for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is
703-308-1113.



Stephen Vu
November 9, 2003


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600